

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

OLEANDERS HOLDINGS LLC d/b/a
SACRAMENTO SUBACUTE
Employer

and

Case 20-RC-074337

SERVICE EMPLOYEES INTERNATIONAL
UNION, UNITED HEALTHCARE
WORKERS-WEST
Petitioner

DECISION ON REVIEW AND ORDER REMANDING

On March 7, 2012, the Regional Director for Region 20 of the National Labor Relations Board issued a Decision and Direction of Election in the above-entitled proceeding. The Petitioner seeks an *Armour-Globe*¹ self-determination election for respiratory therapists (RTs) to vote whether they desire to be included in a recognized unit comprising the service and maintenance employees employed by the Employer at its Sacramento, California facility.

The Employer contends that the petition should be dismissed because RTs do not share a sufficient community of interest with service and maintenance employees to support their inclusion in the unit. The Regional Director found that RTs, *inter alia*, did share a sufficient community of interest and directed that a self-determination election be held. The Employer filed a timely request for review of the Regional Director's decision. By Order dated April 2, 2012, the Board granted the Employer's request for review. An election was held on April 2, 2012, and the ballots impounded.

¹ *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 297 (1937).

The Board has delegated its authority to a three-member panel.

Having carefully considered the record, including the request for review and the Employer's supplemental brief, we have decided to affirm the Regional Director's rulings, findings, and conclusions.²

ORDER

IT IS HEREBY ORDERED that the case is remanded to the Regional Director for Region 20 to open and count the ballots and take appropriate action thereafter.

Mark Gaston Pearce,	Chairman
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Brian E. Hayes,	Member
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Richard F. Griffin, Jr.,	Member
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(SEAL)

National Labor Relations Board

Dated, Washington, D.C., July 19, 2012.

² The Regional Director's decision references *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011). Member Hayes notes that he dissented in that decision.